IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 26240 of 2006(W)

PETITIONER:

SMT.SUBAIDA.K.M., LECTURER,
SENIOR SCALE, DEPARTMENT OF MATHEMATICS,
M.E.S.COLLEGE, MARAMPALLY, ALUVA-7.

BY ADV. SRI.JOSHI N.THOMAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
ITS PRINCIPAL SECRETARY, HIGHER EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION,
`VIKAS BHAVAN', P.M.G.JUNCTION,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, ERNAKULAM.

4. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
PRIYA DARSHINI HILLS, KOTTAYAM.

5. THE PRINCIPAL,
M.E.S. COLLEGE, MARAMPALLY, ALUVA-7.

R1 TO R3 BY GOVT. PLEADER SMT. M.R. SREELATHA.
R4 BY SC. SRI. V.A. MUHAMMED.
R5 BY ADV. SRI. A.A. ABUL HASSAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC 26240/2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF ORDER NO.MEW/AC/E-815/90 DATED 26.6.1990 ISSUED BY THE MES EDUCATIONAL AGENCY.

EXT. P2 : TRUE COPY OF ORDER NO.MES/AC/E-2102/95 DATED 29.8.1995 ISSUED BY THE MES EDUCATIONAL AGENCY.

EXT. P3 : TRUE COPY OF THE ORDER NO.A.C.B11-2737 (ACAD-95,KOTTAYAM DATED 18.12.1996 ISSUED BY THE 4TH RESPONDENT.

EXT. P4 : TRUE COPY OF ORDER NO.MES/AC/E-944/95 DATED 22.11.1995 ISSUED BY THE MES EDUCATIONAL AGENCY.

EXT. P5 : TRUE COPY OF ORDER NO.MES/AC/E-1598/97-K.DIS. DATED 17.11.1997 ISSUED BY THE MES EDUCATIONAL AGENCY.

EXT. P6 : TRUE COPY OF ORDER NO.AC BV-4/415/2005 DATED PRIYADARSHINI HALL DATED 29.12.2005 ISSUED BY THE 4TH RESPONDENT.

EXT. P7 : TRUE COPY OF THE JUDGMENT DATED 11TH MARCH, 2003 OF THIS HONOURABLE COURT IN W.P.(c) NO. 8200/2003A.

EXT. P8 : TRUE COPY OF LETTER DATED 7.3.2006 SENT BY THE 5TH RESPONDENT TO THE 3RD RESPONDENT.

EXT. P9 : TRUE COPY OF THE ORDER NO.B1-1718/2006 DATED 5.4.2006, ISSUED BY THE 3RD RESPONDENT.

K.M.JOSEPH, J.

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WP.(C) No.26240 OF 2006

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Dated this the 12th day of December, 2006

JUDGMENT

Case of the petitioner is as follows:

Petitioner was appointed as Junior Lecturer from 27.6.1990 to 26.9.1990, that too in a leave vacancy. She was re-appointed as Lecturer in Mathematics in the MES College and it was approved. She was subsequently transferred to the fifth respondent College. Probation was declared by Ext.P5 order. By Ext.P6 order the fourth respondent University approved the placement of the petitioner in Senior Scale with effect from 17.6.2001. Fifth respondent forwarded the matter before the third respondent for verification vide Ext.P8. By Ext.P9 it is returned. Petitioner has a contention that once the appointment is approved, it is the duty to pay the amount of salary.

2. A counter affidavit is filed in the matter. Heard learned Government Pleader also. Government Pleader submits that objection of the Deputy Director will be placed before the University, so that the matter could be dealt with in the light of the decision reported in

Cherian Mathew v. Principal, S.B.College, Changanassery (1998(2) K.L.T. 144).

Accordingly, the writ petition is disposed of as follows:

The third respondent will place his objections to the appointment and approval of the petitioner in question before the fourth respondent within a period of one month from the date of receipt of a copy of this judgment. Thereupon the fourth respondent will meticulously consider each and every objection raised by the third respondent and pass a reasoned order. The order shall be communicated to the petitioner and the third respondent. If the decision of the fourth respondent is reiterating the approval granted to the petitioner vide Ext.P6, the decision in **Cherian Mathew's Case** will govern the situation and the monetary benefits due to the petitioner will be disbursed to the petitioner without any further delay.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.